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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 IN RE BARD IVC FILTERS
12 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

13 **AMENDED MASTER SHORT FORM**
14 **COMPLAINT FOR DAMAGES FOR**
15 **INDIVIDUAL CLAIMS AND**
16 **DEMAND FOR JURY TRIAL**

17 Plaintiff(s) named below, for their Complaint against Defendants named below,
18 incorporate the Master Complaint for Damages in MDL 2641 by Reference [*Doc. 364*].

19 Plaintiff(s) further show the Court as follows:

20 1. Plaintiff/Deceased Party:

21 Marenda McCall

22 2. Spousal Plaintiff/ Deceased Party's spouse or other party making loss of
23 consortium claim:

24 ~~Edward McCall~~

25 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

26 N/A

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1 4. Plaintiff's/Deceased Party's state(s) of residence at the time of implant:

2 North Carolina

3 5. Plaintiff's/Deceased Party's state(s) of residence at the time of injury:

4 North Carolina

5 6. Plaintiff's current state(s) of residence:

6 North Carolina

7 7. District Court and Division in which venue would be proper absent direct filing:

8 United States District Court for the Western District of North Carolina

9 8. Defendants against whom Complaint is made:

10 ☒ C.R. Bard, Inc.

11 ☒ Bard Peripheral Vascular, Inc.

12 9. Basis of Jurisdiction:

13 ☒ Diversity of Citizenship

14 ☐ Other: _____

15 a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

16 N/A

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10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☒ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

04/21/2012

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability — Manufacturing Defect

☒ Count II: Strict Products Liability — Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability — Design Defect

☒ Count IV: Negligence — Design

☒ Count V: Negligence — Manufacture

☒ Count VI: Negligence — Failure to Recall/Retrofit

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☒ Count VII: Negligence — Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable North Carolina Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices

☒ ~~Count XV: Loss of Consortium~~

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

N/A

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1 13. Jury Trial demanded for all issues so triable?

2 ☒ Yes

3 ☐ No

4
5 Respectfully submitted this September 21, 2020.

6
7 /s/ Marlene J. Goldenberg
8 Stuart L. Goldenberg (*pro hac vice*)
9 Marlene J. Goldenberg (*pro hac vice*)
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16 *Attorneys for Plaintiffs*

17
18 I hereby certify that on September 21, 2020, I electronically transmitted the
19 attached document to the Clerk's Office using the CM/ECF System for filing and
20 transmittal of a Notice of Electronic filing.
21

22
23 /s/ Marlene J. Goldenberg

24
25
26
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